

Rule 1, Ariz. R. Crim. P.

STATUTORY CONSTRUCTION: Rule of *in pari materia*, meaning “upon the same subject,” requires statutes dealing with the same subject to be read together.....Revised 11/2009

When construing a statute, the court’s goal is to fulfill the intent of the legislature that wrote it. *State v. Peek*, 219 Ariz. 182, 184, 195 P.3d 641, 643 (2008); *State v. Jernigan*, 221 Ariz. 17, ¶ 9, 209 P.3d 153, 155 (App. 2009). The best and most reliable index of the legislature’s intent is the statute’s language and, when the language is clear and unequivocal, that language determines the statute’s construction. *Deer Valley Unified Sch. Dist. No. 97 v. Houser*, 214 Ariz. 293, 296, ¶ 8, 152 P.3d 490, 493 (2007); *City of Phoenix v. Johnson*, 220 Ariz. 189, 191, ¶ 9, 204 P.3d 447, 449 (App. 2009). Therefore, if a court finds no ambiguity in the statute’s language, the court must give effect to that language and may not employ other rules of construction to interpret the provision. *North Valley Emergency Specialists, L.L.C. v. Santana*, 208 Ariz. 301, 303, 93 P.3d 501, 503 (2004); *State v. Nelson*, 208 Ariz. 5, 7, ¶ 7, 90 P.3d 206, 208 (App. 2004), *citing Janson v. Christensen*, 167 Ariz. 470, 471, 808 P.2d 1222, 1223 (1991). Only if the legislative intent is not clear from the plain language of the statute do courts consider other factors such as the statute's context, subject matter, historical context, effects and consequences, and spirit and purpose. *Watson v. Apache County*, 218 Ariz. 512, 516, ¶ 17, 189 P.3d 1085, 1089 (App. 2008); *Sanderson Lincoln Mercury, Inc. v. Ford Motor Co.*, 205 Ariz. 202, 205, ¶ 11, 68 P.3d 428, 431 (App. 2003) *citing Wyatt v. Wehmueeller*, 167 Ariz. 281, 284, 806 P.2d 870, 873 (1991).

If a statute's meaning is less than clear, courts may use other rules of statutory construction. One such rule of statutory construction is *in pari materia*, meaning "upon the same subject." The Arizona Supreme Court has stated:

In pari materia is a rule of statutory construction whereby the meaning and application of a specific statute or portion of a statute is determined by looking to statutes which relate to the same person or thing and which have a purpose similar to that of the statute being construed. Statutes *in pari materia* must be read together and all parts of the law on the same subject must be given effect, if possible. The objective of the rule requiring related statutes to be construed *in pari materia* is to carry into effect the intent of the Legislature.

Collins v. Stockwell, 137 Ariz. 416, 419, 671 P.2d 394, 397 (1983) [citations omitted]. Under this rule, whenever possible, statutes which are in *pari materia* are read together and harmonized to avoid making any clause, sentence or word superfluous, void, contradictory, or insignificant. *State ex rel. Dept. of Economic Sec. v. Hayden*, 210 Ariz. 522, 523-524, ¶ 7, 115 P.3d 116, 117-118 (2005) (statutes that are *in pari materia* are construed together as though they constituted one law); *In re MH 2007-001264*, 218 Ariz. 538, 540, ¶ 9, 189 P.3d 1111, 1113 (App. 2008); *State v. Cid*, 181 Ariz. 496, 499-500, 892 P.2d 216, 219 (App. 1995). This rule applies even when the statutes were enacted at different times and do not refer to each other. *State ex rel. Thomas v. Ditsworth*, 216 Ariz. 339, 342, ¶ 12, 166 P.3d 130, 133 (App. 2007) citing *State ex rel. Larson v. Farley*, 106 Ariz. 119, 122, 471 P.2d 731, 734 (1970).